

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATASHA VAN DUSER, JACKSON LEA,
CHARLOTTE MASON, TRISTAN HSU,
MORGANN DANIELS, AMERICA ROSE
MARVELOUS HERVE, RYAN
MICKELSEN, KAYL WARD, STEPHANIE
OSPINAS, ZOË FROMER, NICOLE
IRRIZARRY and JULIETA WINTERS,
Individually and on behalf of all other persons
similarly situated,

Plaintiffs,

v.

TOZZER LTD. D/B/A NIAGARA NYC
AND LOVERS OF TODAY, LAPIZZA
SHOP, INC., D/B/A 96 TEARS, BERLIN
AND CABIN DOWN BELOW, BOWERY
TECH RESTAURANT LLC D/B/A
BOWERY ELECTRIC, JONATHAN
TOUBIN, JOSHUA YERINGTON A/K/A
“JOHNNY T”, JESSE MALIN, AND
LAURA MCCARTHY, Jointly and Severally,

Defendants.

ECF CASE

No.: 1:23-cv-9329 (AS)

~~PROPOSED~~ JUDGMENT

On April 25, 2025, Plaintiffs Natasha Van Duser, Jackson Lea, Charlotte Mason, Tristan Hsu, Morgann Daniels, America Rose Marvelous Herve, Ryan Mickelsen, Kayl Ward, Stephanie Ospina, Zoë Fromer, Nicole Irrizarry and Julieta Winters (the “Plaintiffs”) filed a notice of acceptance of offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure;

NOW, it is hereby ORDERED, ADJUDGED AND DECREED that the Plaintiffs has judgment against Defendants Tozzer Ltd. d/b/a “Niagara NYC” and “Lovers of Today,” Lapizza Shop, Inc. d/b/a “96 Tears,” “Berlin,” and “Cabin Down Below,” Bowery Tech Restaurant LLC d/b/a “Bowery Electric,” Jonathan Toubin, Johnny Yerington a/k/a

“Johnny T,” Jesse Malin, and Laura McCarthy (“Defendants”) in the amount of \$12,000.00 (the “Judgment Amount”) which is inclusive of attorneys’ fees and costs and any other fees, costs, and/or disbursements.

This judgment is intended to resolve, in full satisfaction, all of Plaintiffs’ claims as alleged or which could have been alleged in the Complaint pertaining to this Action, including any damages Plaintiffs asserted or could have asserted in this Action, including but not limited to, any claims Plaintiffs may have for monetary damages, backpay, front pay, liquidated damages, penalties, and any fees, costs, and/or reasonable attorneys’ fees.

The payment amount shall be paid on or before a date within fourteen (14) days of the date of this Judgment. This Judgment does not however waive Plaintiffs’ right to seek entry and to enforce a Confession of Judgment for a different amount if Defendants fail to satisfy this Judgment.

The Clerk of Court is respectfully requested to close this case.

Dated: April 29, 2025

SO ORDERED



Hon. Arun Subramanian, U.S.D.J.